

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP FIGURES,

Defendant.

)
)
)
)
)
)
)
)
)

8:12CR14

ORDER

This matter is before the court on the motion to continue by defendant Phillip Figures (Figures) (Filing No. 37). Figures seeks a continuance of the trial of this matter which is scheduled for May 21, 2012. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Figures' motion to continue trial (Filing No. 37) is granted.
2. Trial of this matter is re-scheduled for **June 28, 2012**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 9, 2012, and June 28, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 9th day of May, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge